



DATE: October 31, 2013

TO: Procurement Directors

FROM: Director,
Contract and Financial Assistance Policy Division
Office of Policy
Office of Acquisition and Project Management

SUBJECT: Recent State Initiatives on “Recreational” Marijuana use

SUMMARY: A number of states have recently passed initiatives that permit the use of marijuana for “recreational” purposes. Title 10 Code of Federal Regulations, part 707 (10 CFR part 707), *Workplace Substance Abuse Program at DOE Sites*, requires DOE contractors to develop a written workplace substance abuse program that is consistent with the Department of Health and Human Service’s Mandatory Guidelines and the rule. This requirement is incorporated into DOE contracts via DEAR clause 970.5223-3 or 970.5223-4 as appropriate.

The Mandatory Guidelines identify marijuana as a Schedule I drug under the Controlled Substance Act. As such, all DOE contractors covered by 10 CFR 707 will continue to be tested for marijuana at the established cut off levels noted in the Mandatory Guidelines (<https://www.workplace.samhsa.gov/Dtesting.html>). Contracting Officers in affected states should remind contractors of their responsibilities under 10 CFR 707.

This Flash will be available online at the following website:
<http://energy.gov/management/office-management/operational-management/procurement-and-acquisition/policy-flashes>.

Questions concerning this policy flash should be directed to Jacqueline D. Rogers of the Office of Worker Safety & Health Policy on 202-586-4714, or by e-mail at jackie.rogers@hq.doe.gov.